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7

8 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO;
9 WILLIAM HUGHEN; KEVIN BIRMINGHAM; NATALIA FOSSI
(ERRONEOUSLY SUED AS NATALIA KWAITKOWSKA);
10 MAURICIO HERNANDEZ; and JOE DUFFY

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 PATRICK GALLAGHER,

15 Plaintiff,

16 vs.

17 CITY AND COUNTY OF SAN
FRANCISCO, BERNARD CURRAN,
18 RODRIGO SANTOS, WILLIAM HUGHEN,
KEVIN BIRMINGHAM, NATALIA
19 KWAITKOWSKA, AND JOE DUFFY,

20 Defendant.

Case No. 23-cv-03579-SI (JCS)

**JOINT FURTHER CASE MANAGEMENT
STATEMENT**

Hearing Date: December 19, 2025
Time: 3:00 p.m.
Place: Zoom

Trial Date: February 17, 2026

1 Defendants City and County of San Francisco (the “City”); William Hughen; Kevin
 2 Birmingham; Natalia Fossi (erroneously sued as Natalia Kwaitkowska); Mauricio Hernandez; and Joe
 3 Duffy (collectively, “the City Defendants”), Defendant Bernard Curran and Plaintiff submit this
 4 JOINT CASE MANAGEMENT STATEMENT pursuant to the Standing Order for All Judges of the
 5 Northern District of California (July 1, 2011) and Civil Local Rule 16-9.

6 **FURTHER CASE MANAGEMENT STATEMENT**

7 This case arises out of allegations that Plaintiff was retaliated against by the Individual
 8 Defendants for participating a criminal investigation of Defendants Curran and Santos. Since the last
 9 case management conference, Defendant Curran has appeared in this action. The City Defendants and
 10 Plaintiff have filed cross Motions for Summary Judgment. Those motions were initially set for
 11 December 5, then continued to December 19 and continued again to January 16, 2026 due to filing
 12 errors by Plaintiff. The motions will be fully briefed by the time of this Case Management Conference.

13 **A. Update from the City Defendants**

14 The City Defendants are concerned of the timing of the Motion for Summary Judgment
 15 hearing and the upcoming trial date. Trial is currently set for February 17, 2026 with a final pretrial
 16 conference set for February 3. The parties’ joint pretrial statement is due to be filed on January 20,
 17 2026. This due date requires the parties to begin the meet and confer process on pretrial documents
 18 before the hearing on the Motions for Summary Judgment and to serve any Motions in Limine,
 19 witness lists, exhibit lists, and other pretrial documents on the hearing date.

20 Given these changed circumstances, the City Defendants believe a trial continuance is
 21 warranted so that the parties do not incur any additional costs while the Court considers the merits of
 22 the Motions for Summary Judgment. In addition, no party has conducted discovery on Defendant
 23 Curran since he appeared in the case after the close of fact discovery. To that end, the City Defendants
 24 will endeavor to file an Administrative Motion to Continue Trial before the Case Management Hearing
 25 as Plaintiff has indicated he will not stipulate.

26 **B. Update from Defendant Curran**

27 I, Defendant Bernard Curran, self-representing, here provide my update since the last case
 28 management conference on August 22, 2025. I understand Defendant Santos was dismissed from the

1 case. My Motion to Set Aside Default and deny Plaintiff's Motion for Default Judgment was Granted
2 on Nov. 18, 2025. Although my personal/medical conditions continue to be debilitating, I fully intend
3 to litigate this lawsuit to the full extent of my ability and the law. I am looking for legal representation.
4 I intend to file a full Response to Plaintiff's baseless claims and slanderous allegations against me. I
5 also will discuss with counsel about filing a Motion to Dismiss.

6 I agree with the City's desire to continue the Trial date out to April or May of this year to allow
7 time for the Court to resolve the cross motions for Summary Judgment that will be heard on January
8 16, 2026; whatever is best for them.

9 **C. Update from Plaintiff**

10 There is no reasonable argument for a continuance. This has been dragging out for four years
11 now. Bernie was served twice as confirmed by proof of service. He actively avoided service by
12 plaintiff, and avoided all efforts by the city attorney's office for response. This request is erroneous
13 and not warranted. And same with the timing for summary judgement. The city attorney's office has
14 unlimited resources and personnel. It has created a great strain on me physically and financially and
15 continues to do so. It is unreasonable, by any standard, to grant any continuance in this case. In
16 addition, there was never a mistake by plaintiffs filing...

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1 Dated: December 12, 2025

2 DAVID CHIU
3 City Attorney
4 JENNIFER E. CHOI
5 Chief Trial Deputy
6 HUNTER W. SIMS III
7 Deputy City Attorney

8 By: /s/ Hunter W. Sims III

9 HUNTER W. SIMS III

10 Attorneys for Defendants
11 CITY AND COUNTY OF SAN FRANCISCO;
12 WILLIAM HUGHEN; KEVIN BIRMINGHAM;
13 NATALIA FOSSI (ERRONEOUSLY SUED AS
14 NATALIA KWAITKOWSKA); MAURICIO
15 HERNANDEZ; and JOE DUFFY

16 Dated: December 12, 2025

17 By: /s/ Patrick Gallagher
18 PATRICK GALLAGHER¹

19 Pro Se

20 Dated: December 12, 2025

21 By: /s/ Bernard Curran
22 BERNARD CURRAN²
23 Pro Se

24

25

26

27 ¹ Pursuant to L.R. 5-1(i)(3), the electronic filer has obtained approval from this signatory.

28 ² Pursuant to L.R. 5-1(i)(3), the electronic filer has obtained approval from this signatory.

PROOF OF SERVICE

I, KATHLEEN K. HILL, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On December 12, 2025, I served the following document(s):

JOINT FURTHER CASE MANAGEMENT STATEMENT

on the following persons at the locations specified:

Patrick Gallagher
470 Coletas Way
Byron, CA 94514

Tel: (925) 325-3911
Email: bigblockpat@gmail.com

Plaintiff in Pro Per

Bernard Curran
27 Escondido Avenue
San Francisco, CA 94132

Email: : bernie@mendocinobuilder.com

Defendant in Pro Per Bernard Curran

in the manner indicated below:

- BY UNITED STATES MAIL:** Following ordinary business practices, I caused to be sealed true and correct copies of the above documents in addressed envelope(s) and had them placed at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that were placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY ELECTRONIC MAIL: I caused a copy of such document to be transmitted *via* electronic mail in portable document format (“PDF”) Adobe Acrobat from the electronic address: kathleen.hill@sfcityatty.org.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed December 12, 2025, at San Francisco, California.

/s/ *Kathleen K. Hill*

KATHLEEN K. HILL